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Date: Sept. 7, 2005  
Hui Chin Barnhill

In Re Application of: Ishiguro et al.

Serial No.: 10/748,324

Filed: December 30, 2003

Docket No. 251312-1010

For: **Message Device**

**Notice Regarding Resubmission of...**  
**Copy of Postcard and Certificate of Mailing**  
**Submission of Substitute Declaration and Revised Claim...**  
**Substitute Declaration**  
**Copy of JP2003-321908**

**Total Pages Transmitted (including cover sheet) - 39**

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Ishiguro et al.

Group Art Unit: Unassigned

Serial No.: 10/748,324

Examiner: Unassigned

Filed: December 30, 2003

Docket No. 251312-1010

For: **Massage Device**

**NOTICE REGARDING RESUBMISSION OF SUBSTITUTE DECLARATION  
AND REVISED CLAIM OF PRIORITY TO  
AND SUBMISSION OF COPY OF JAPAN APPLICATION  
PURSUANT TO 35 U.S.C. §119**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In regard to the above-identified pending patent application, Applicants resubmit herewith the documents filed on September 24, 2004, which Applicants have received no further correspondence from the USPTO in this regard.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

By: 

**Daniel R. McClure, Reg. No. 38,962**

100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339  
770.933.9500

Serial No.: 10/748,324

Filed: December 30, 2003

Patent No.:

Issued:

Applicant: Ishiguro et al.

Title: Massage Device

Docket No.: 251312-1010

C/M Date: 09/24/04

EM No.:

Due Date:

**PATENT AND TRADEMARK OFFICE  
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- ☐ Claim of Priority & Sub. Cert. Copy  
of Foreign Application
- ☒ Other: Submission of Subst. Decl. & Revised Claim of Priority

**USPTO STAMP**

- ☐ Request to Rescind Non-Pub.
- ☐ Petition to Make Special
- ☐ Status Inquiry (in duplicate)
- ☐ Notice of Appeal
- ☐ Appeal Brief (in Triplicate)
- ☐ Request for Refund
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- ☐ Sheets of Drawings
  - ☐ Formal ☐ Informal
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- ☐ Prior to NOA ☐ W/I NOA
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Person Mailing: HCB

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**CERTIFICATE OF MAILING**

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P.O. Box 1450  
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on Sept. 24, 2004

H. Chin Barnhill  
Hui Chin Barnhill

In Re Application of:

Ishiguro et al.

Serial No.: 10/748,324

Filed: December 30, 2003

Confirmation No.: Unassigned

Group Art Unit: Unassigned

Examiner: Unassigned

Docket No.: 251312-1010

For: **Massage Device**

The following is a list of documents enclosed:

Return Postcard

Submission of Subst. Decl. & Revised Claim of Priority...

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 07 2005

In Re Application of: Ishiguro et al.

Group Art Unit: Unassigned

Serial No.: 10/748,324

Examiner: Unassigned

Filed: December 30, 2003

Docket No. 251312-1010

For: **Massage Device****SUBMISSION OF SUBSTITUTE DECLARATION AND  
REVISED CLAIM OF PRIORITY TO AND  
SUBMISSION OF COPY OF JAPAN APPLICATION  
PURSUANT TO 35 U.S.C. §119**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Enclosed herewith are:

- (1) a substitute declaration for entry in this application; and
- (2) a copy of a Japanese priority application, in support of the revised priority claim below.

**Revised Priority Claim**

In regard to the above-identified pending patent application and in accordance with 35 U.S.C. §119, Applicants hereby claim priority to and the benefit of the filing date of Japan patent application entitled, "Massage Device", filed September 12, 2003, and assigned serial number 2003-321908. Further pursuant to 35 U.S.C. §119, enclosed is a copy of the Japanese patent application (Note that the original, certified copy was filed in co-pending application serial number 10/748,895).

Additional Remarks Supporting this Submission

The present application was filed on the same day as co-pending U.S. application serial number 10/748,895. These cases are related, insofar as they have the same title, inventors, and assignee. It has come to the attention of the undersigned attorney that the declaration (and therefore priority documents) of these two applications were filed in the opposite application. That is, the declaration previously filed in this application should have been filed in co-pending application serial number 10/748,895 (and vice-versa). Since the declaration identifies the priority document by number, when the priority documents were received, they were filed in the application having the declaration that carried the matching number.

The undersigned just recently noticed this discrepancy, by discovering that the client reference number on the declaration did not match the client reference number on the application. For example, the application (as filed in this case) bears a client reference number of 7051-A20171US (see header of application as filed). The client reference on the declaration (see footer of page 1) that was previously filed in this application, however, is 7051-A20170US. The substitute declaration that is submitted herewith properly bears the client reference number of 7051-A20171US.

This declaration accompanied the copy of the application (as filed) and apparently was crossed-up with the co-pending matter as the undersigned was preparing the two matters for filing. Therefore, this declaration should be accepted into this application.

The undersigned is making a corresponding submission in the co-pending application.

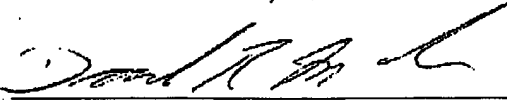
Regarding the timeliness of the filing of this revised claim for priority, since this submission is made within 16 months of the filing date of the priority document (*i.e.*, Sept. 12, 2003), this claim is timely and should be entered (see 37 CFR 1.55 and MPEP 201.14(a)).

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

By:



**Daniel R. McClure, Reg. No. 38,962**

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